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Synopsis of Statutes of General Application

ENACTED AT THE
THIRD SESSION
OF THE
TENTH LEGISLATURE

February 14th to March 27th
1946

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— and —

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HIS HONOUR JOHN C. BOWEN,
Lieutenant Governor

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SYNOPSIS OF STATUTES OF GENERAL APPLICATION

**Enacted at the Third Session of the
Tenth Legislature**

APPROPRIATION ACT, 1946

(Chapter 1)

This Act provides for the payment out of the General Revenue Fund of \$16,248.11 on account of expenditures for the fiscal year ending the 31st day of March, 1945, and for the payment out of the General Revenue Fund of \$2,955,977.63 on account of expenditures for the fiscal year ending the 31st day of March, 1946, and for the payment out of the General Revenue Fund of a sum not exceeding \$36,926,325.00 on account of expenditures of the public service for the fiscal year ending the 31st day of March, 1947.

This Act came into force on March 27, 1946.

ALBERTA NATURAL RESOURCES ACT AMENDMENT ACT, 1946

(Chapter 2)

The purpose of this Act is to confirm the two agreements made between the Government of Canada and the Government of Alberta set out in Schedules I and II. A corresponding Act has already been enacted by the Parliament of Canada.

SCHEDULE I.

The agreement in Schedule I of the Act provides for the settlement of differences which have arisen between the Dominion and the Province as to the effect of the Natural Resources Transfer Agreement on the ownership and control of three developed power sites on the Bow River lying within or adjacent to the Stony Indian Reserve. The three sites known as the Horseshoe, Kananaskis and Ghost sites were developed by

the Calgary Power Company Limited and are being operated under authorizations issued by the Dominion Government in the years 1909, 1912 and 1929 respectively, when they were under exclusive Dominion jurisdiction prior to the transfer of natural resources in 1930. These differences arose out of the fact that under the agreement of 1929 which became effective on October 1st, 1930, transferring the Natural Resources to the Province, it was provided that all lands included in Indian Reserves within the Province should continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada. The agreement preserves all the rights of the Indians in these power sites which they obtained from the Government of Canada prior to the transfer of the Natural Resources to the Province.

The agreement in Schedule I provides that the land and water power at the two sites in which the Indian interest predominates, namely Horseshoe and Kananaskis, are to remain under Dominion jurisdiction while the Ghost site where the Provincial interest is substantial shall be deemed to have passed to the Province at the time of the transfer of the Natural Resources. The Minister of Mines and Resources will issue all three licenses which are to replace the existing authorizations and will continue to administer the Horseshoe and Kananaskis developments, while the Province will be responsible for administration of the Ghost development as soon as the final license is issued.

SCHEDULE II.

Under *The Alberta Natural Resources Transfer Act*, 1930, certain public shooting grounds and bird sanctuaries were preserved. Many of them have now dried up or are otherwise unsuitable for the purposes for which they were originally set aside. The agreement in Schedule II provides that these reservations may be cancelled by agreement between the two responsible Ministers concerned with the approval of the Governor in Council and the Lieutenant Governor in Council.

This Act came into force on March 27, 1946.

ALBERTA HEALTH INSURANCE ACT, 1946

(Chapter 3)

This is a new Act authorizing the setting up of health insurance districts which will furnish to the residents various medical and hospital services as the same are organized from time to time.

Section 3 provides for the appointment of a Director of Health Insurance and other necessary officers and clerks.

Section 4 sets out the services which or one or more of which may be furnished from time to time as conditions warrant. To prevent duplication exceptions are made in the case of medical, etc., services received under *The Workmen's Compensation Act* and *The Tuberculosis Act*. In subsection (2) of Section 4 are set out the persons qualified to receive benefits under the Act, namely, adults who have paid the prescribed annual fee and who reside in a health insurance district and have resided twelve months in the Province, also the dependants of adults and persons (such as indigents) on whose behalf the fee has been paid and for whom a municipality is responsible. Who are adults is to be determined by Order in Council under paragraph (a) of section 2 and paragraph (d) of section 5 (1).

Section 5 confers on the Minister, with the approval of the Lieutenant Governor in Council, various powers connected with the administration of the Act including the appointment of an Advisory Committee, the making of agreements with municipalities, the fixing of an annual fee for adults and the age when residents become liable for the fee, the making of agreements with physicians, hospitals, etc., the making of agreements with the Government of Canada as to the application of the grants which may be made by that Government to the Province for health services, the appointment of referees, etc., to settle disputes, and various other matters of detail. In the same section, the Minister, with the approval of the Lieutenant Governor in Council, is authorized to make regulations dealing

with matters of procedure in making and keeping a register of adults, etc.

Section 6 deals with the establishment of health insurance districts, the preparation of a scheme by the Director, the advertising of same, and its submission to a vote of the qualified residents of the district and the procedure to be adopted in taking the vote.

Section 7 gives the qualifications of voters and the form of the ballot and directions as to voting, etc., and provides that sixty per cent of those voting are required to vote for the scheme to ratify it. Subsection (9) of section 7 provides that where a scheme after ratification is expanded as by services being provided additional to those in the original scheme, this expansion of the scheme shall be submitted to the voters.

Section 8 provides for a vote being taken in an area proposed to be added to a health insurance district which vote will require a sixty per cent vote in the area to authorize its addition.

By section 9 it is provided that where a scheme has been rejected by the voters, after the expiration of three months, any area may be detached or added and a second vote taken on the scheme.

Section 10 (1) declares who are entitled to vote at a vote taken under sections 8 or 9 and subsection (2) provides an oath which may be administered to any person presenting himself as a voter at any vote taken under the Act.

Section 11 deals with the disestablishment of a district before and after a vote has been taken. Subsection (2) authorizes the Director with the approval of the Minister in certain circumstances to disestablish a district after it has been in operation for two years. Subsection (3) authorizes a vote after a district has been in operation for a year on the petition of twenty-five per cent of adults residing in the district and entitled to the benefits of the Act. A sixty per cent vote is required to disestablish the district under this subsection.

Section 12 provides the procedure to be taken after a scheme has been ratified by the voters. A census is to be taken at the instance of the Director of each municipality included in whole or in part in the health insurance district of all persons residing in each municipality who are entitled to the benefits of the Act under section 4, the census to distinguish between adults and others; on completion the appropriate portion of the census is to be sent to each municipality concerned, and the secretary of each is required to prepare a register of the adults and dependants in the municipality. Provision is also made for the amendment of the register from year to year.

Section 13 provides for the payment by the municipality to the Minister annually of a sum obtained by multiplying the number of adults whose names appear on the list and register by the amount of the annual fee fixed by the scheme, such payment to be after the first year in quarterly instalments and if they remain unpaid after they fall due, they become debts to the Minister recoverable by action. If paid when due, the municipality is to retain three per cent of the amount due as compensation for the service rendered. Subsection (4) of section 13 provides that adults entitled to the benefits of the Act become indebted to the municipality in which they reside for the annual fee as fixed under the Act, which, in the case of persons on the assessment roll, may be added to the taxes, and in all cases, the amount becomes a debt due to the municipality recoverable by action.

Section 14 deals with the setting up of an account in the Treasury Department for each health insurance district and with the investment of any surplus funds of the district.

Section 15 provides that the Director or any person appointed by him to make any investigation relating to the setting up or administration of a health insurance district shall have the powers given under *The Public Inquiries Act* set out in the section.

Section 16 enacts a penal clause as to giving false information to a municipality or to the Director or any other

official of the district or as to withholding information on an investigation under the Act.

Section 17 provides penalties for failure to provide adequate services without lawful excuse by persons who have made agreements with the Minister for such services.

Section 18 protects such persons from civil action where failure to provide services is due to inability to obtain equipment, etc.

Subsection (2) of section 19 provides that where a scheme or other proposal is ratified by the voters, the cost of taking the vote shall be paid out of the funds of the health insurance district but otherwise out of the general organization grant.

This Act comes into force on Proclamation.

GAME ACT, 1946

(Chapter 4)

This Act enacts a new Game Act. The principal change made from the present Act is the incorporation in the Act of many provisions which were formerly in the Regulations. Most of the sections of the Act now in force are incorporated without change in this Act while some are incorporated with slight changes, and a number of new provisions are also incorporated. Only the material changes and new provisions are dealt with in this synopsis.

Section 7 is the former section 7 to which, however, has been added a proviso enabling a person to cross a game preserve while in possession of a firearm if it does not contain a shell in the breech or magazine if the firearm is of a "take down" model and is carried in a "take down" condition or if it is not of such a model, it is carried in a closed case or canvas covering.

The new section 8 provides that where the owner or occupant of land, posts a notice prohibiting shooting thereon, no person shall hunt or trap on the land if it is enclosed by a fence, without having obtained the consent of the owner or

occupant. Subsection (2) of the same section prohibits the selling or bartering of hunting or shooting rights.

Section 12 is new and prohibits any persons interfering with traps set by another person except where the proprietor of a trap line finds other traps than his own within the limits of his trap line. Subsection (2) prohibits any person from defacing a sign posted up with the authority of the Fish and Game Commissioner.

Section 14 makes bird sanctuaries game preserves for the purposes of the Act.

Section 22 is new and provides for the issue of a duplicate license or permit where the original has been lost or destroyed.

Section 23 is the former section 24 amended by providing for a license to state the times when the licensee may hunt, as well as the places, as it was in the former Act.

Section 27 is new; it formerly appeared in the Regulations.

Section 33 is the same as the former section except that the area described now runs from the north boundary of Township 76 instead of from the north boundary of Township 69. This has been found necessary in order to exclude Slave Lake settlement.

Section 34 is new and authorizes permits to kill big game for the purpose of feeding crews fighting forest fires in forest reserves or the Northern Alberta Forest District.

Section 36 is section 35 of the former Act amended so as to require a person accidentally killing big game to deliver the meat at once to one of the officials mentioned instead of taking it home and reporting it, as the Act now provides.

Section 41 formerly appeared in the Regulations.

Section 42 is section 40 of the former Act amended by "one half-hour before sunrise" being changed to "one hour before sunrise."

In subsection (1) of section 46 "two hundred yards" has been inserted in place of "one hundred yards."

Section 49 is section 47 of the Act formerly in force amended. Section 47 formerly authorized a farmer or rancher and his family to hunt game birds without a license at any place within a zone defined in the section within which a person holding a game bird license may hunt. The new section limits the area within which a farmer or rancher or his family may so hunt game birds to the land owned or leased by the farmer or rancher.

In subsection (5) of section 50, marten, fox, fisher and lynx are added to the animals in the taking of which, the use of dogs is prohibited and subsection (6) of the same section is new.

Sections 51 and 52 are new. The latter section makes it clear that a trapping license does not authorize the holder to trap in a game preserve, etc., or over a trap line registered in the name of someone else.

Sections 53 and 54 are taken from the Regulations.

Sections 55 and 56 are also taken from the Regulations and provide for a certificate of registration of trap lines and set out the qualifications necessary to obtain a certificate.

Section 57 is new and requires application for a certificate, etc., to be made on a Departmental form.

Sections 58 to 62 deal with certain duties and privileges of holders of trap line certificates and are also taken from the Regulations.

Sections 64 to 68 are taken from the Regulations and deal with the fur tax, by whom payable, and the methods of collection, and certain safeguards imposed by the sections.

Sections 69 to 73 deal with the conditions under which skins and pelts may be exported from the Province, and have also been taken from the Regulations.

In section 75 the word "solicit" has been added to the things prohibited by

the former section 53 in the absence of a license and subsection (3) is changed from the former provision and no longer contains the exemption of a farmer selling fur, trapped on his own land but does exempt a person selling fur taken under authority of section 15, such as wolves, etc., the hunting of which does not require a license.

Section 76 deals with the different classes of licenses that may be issued to fur dealers and is for the most part taken from the Regulations.

Section 77 differs from section 55 formerly in force by putting persons holding tanner's or furrier's license in the same position under the section as persons holding a fur dealer's license.

Section 78 differs from the section formerly in force by including "soliciting" in the acts prohibited without a license.

Section 79 deals with the records required to be kept by fur dealers. Subsections (2) and (3) have been taken from the Regulations.

Sections 80 to 83 provide for the licensing and regulating of furriers and have been taken from the Regulations.

Sections 84 to 87 have also been taken from the Regulations and provide for the licensing and regulating of tanners.

Section 88 provides for the licensing and regulating of taxidermists and has been taken from the Regulations.

Sections 89 to 91 provide for the licensing and regulating of dog trainers and also for the holding of breed trials. These sections are taken from the Regulations.

Sections 92 to 95 deal with the licensing and regulating of guides. Sections 93 to 95 are taken from the Regulations and section 93 classifies guides as Class A, Class B and Class C guides. An applicant for a Class A license who does not obtain sufficient marks on an examination for that license may be granted a Class B license which authorizes him to act as an assistant to a guide holding a Class A license. The Class C license authorizes the holder

to act as a guide only to persons hunting game birds. Sections 94 and 95 deal with the expiration and forfeiture of licenses.

Section 96 deals with the licensing of outfitters, and is limited to persons carrying on the business of letting for hire, saddle horses, etc. The section 22 formerly in force required a license for any person letting out saddle horses, etc., for hire or reward, apparently whether carrying on business for such purposes or not.

Sections 97 to 102 are taken from the Regulations and deal with the different classes of outfitters' licenses and also with the granting, expiry, suspension and cancellation of licenses.

Section 103 to 108 are also taken from the Regulations and deal with the licensing and regulating of game farmers.

Sections 109 to 115 deal with the licensing and regulating of fur farmers and exemption from export fees and fur taxes, and are taken from the Regulations.

Sections 116 and 117 are new and deal with the sanitary conditions on fur farms and the health certificate required for the importation of fur-bearing animals.

Sections 118 and 119 are taken from the Regulations and deal with the duties of a fur farmer in case of an outbreak of disease on his fur farm.

The remainder of the Act dealing with the administration of the Act and with the penalties to be imposed under it and the rules as to procedure and evidence in prosecutions under the Act is for the most part substantially the same as in the Act formerly in force. The principal differences are as follows:

The former Act referred to an officer called "salaried game guardian." This title has been eliminated and replaced by "game officer."

Section 142 is new and subsection (1) sets out the privileges which Indians have, to hunt for food which privileges were given them by the various treaties

and were incorporated in the agreement transferring the natural resources from the Dominion to the Province, which agreement was validated by Canada and the Province and also by the Imperial Parliament. Subsection (2) provides that where a fur-bearing animal is taken for food during the closed season by an Indian the pelt shall belong to the Province. Subsection (3) deals with the disposal of the skin of a big game animal taken by an Indian. These latter provisions are inserted by reason of complaints that Indians are killing big game for hide value rather than for food.

Subsections (8) and (9) of section 144 are new and increase the responsibility of agents of a company for acts of the company and the responsibility of a company for the acts of its agents.

Section 148 replaces the former section 87. Subsection (2) authorizes the Minister to grant relief against confiscation of articles except where the conviction is against section 74 of the Act which deals with the buying, selling, etc., with an illegal skin or pelt of a fur-bearing animal. When the offence is against that section relief can only be granted by the Lieutenant Governor in Council.

Section 154 deals with cancellation of licenses after conviction. A fur dealer, tanner or furrier who is convicted of a second offence against section 74 (illegal pelts) or with respect to beaver shall permanently forfeit his license and any right to a further license, subject to an appeal to the Lieutenant Governor in Council who may reinstate the license after the expiration of a year from the date of conviction upon such terms as may be deemed just.

Section 155 is new and prohibits any person whose hunting license or trapper's license has been cancelled from applying for a new license during the period for which the cancelled license had been issued.

Section 160 is also new and provides a special penalty for a person convicted of a violation of the Act or Regulations with respect to any beaver.

Sections 161 and 164 are new and provide special penalties for conviction of the offences therein set out.

This Act came into force on March 27, 1946.

ST. MARY AND MILK RIVERS DEVELOPMENT ACT

(Chapter 5)

This Act validates an agreement made between the Province and the Canadian Pacific Railway Company and the Alberta Railway and Irrigation Company whereby the companies transfer to the Province the irrigation project at and near Lethbridge, commonly known as the A. R. and I. The agreement is attached to the Act as Schedule I. The main features of the agreement are as follows:

(a) The companies transfer to the Province the entire undertaking and works and all rights and privileges acquired by the companies from the Dominion and the Province under *The Irrigation Act* of the Dominion or *The Water Resources Act* of the Province.

(b) The companies transfer to the Province the land described in Schedule "A" to the agreement reserving minerals.

(c) The companies transfer to the Province, horses, machinery, stores, etc. used in connection with the undertaking.

(d) The companies assign to the Province all agreements to supply water subsisting at the date of the agreement and all moneys due as at February 1st, 1946, which accrued after April 30th, 1944, and all moneys to accrue hereafter.

(e) The companies covenant to pay to the Province \$100,000 in two instalments of \$40,000 at time of delivery of possession and the balance in sixty days subject to certain deductions as specified in paragraph 14 of the agreement.

(f) The Province agrees to accept the assignment and transfer of the undertaking, etc., and indemnifies the companies against liabilities against the companies relating to the said undertaking and works, etc.

(g) The Province assigns to the Irrigation Company the lands described in Schedule "C" to the agreement.

(h) The Province agrees that the water service given by the Province to the persons named in the water agreements shall not be inferior to that supplied by the companies and that the water rentals now being charged by the companies will not be increased unless a water service is given in addition to that required by the water agreements.

(i) The Irrigation Company assigns to the Province the benefit of every covenant contained in two agreements with the Taber Irrigation District except those referring to debentures of the district which remain the property of the Irrigation Company, and the Province agrees to perform the covenants agreed to be performed by the Irrigation Company by said agreements.

(j) Similar provisions are contained relating to agreements with the Magrath Irrigation District and the Raymond Irrigation District.

(k) The Province agrees that with regard to the parcels of land set out in Schedule "J," it will, free of cost to the Irrigation Company, enter into agreements for the supplying of water to them.

The Act serves two purposes. First it validates and makes binding upon all parties the provisions of the agreement. Secondly, it sets up the machinery necessary to enable the Province to carry out the terms of the agreement, and to operate the irrigation project through a manager who is created a corporation and whose powers and duties are those set out in the Bill, and such other powers and duties as may be assigned to him by the Lieutenant Governor in Council.

It is provided by section 17 that all property and moneys acquired by the manager as such shall be the property of the Government and that if at any time there is not sufficient money in the hands of the manager to pay salaries and other expenses of operation, etc., the Provincial Treasurer may make up the deficit by advance.

There are provisions enabling the manager to enforce payment of moneys due under water agreements similar to provisions contained in *The Irrigation Districts Act* in aid of a board of trustees of an irrigation district.

By section 22 the Minister is given powers of expropriation of lands deemed necessary for the operation or extension of the undertaking. These powers are the same as those given to the Minister of Public Works by *The Public Works Act*.

This Act came into force on March 27, 1946.

CO-OPERATIVE ASSOCIATIONS ACT, 1946

(Chapter 6)

This Act is intended to replace the following Acts:

The Co-operative Associations Act, chapter 250, R.S.A., 1942,

The Co-operative Marketing Associations Act, chapter 251, R.S.A., 1942,

The Co-operative Activities Supervision Act, chapter 249, R.S.A., 1942,

which are repealed by this Act.

Part I of the Act contains general provisions applying to all co-operative associations including marketing associations.

Part II contains provisions applying only to marketing associations.

Part III sets out the duties and powers of the Supervisor.

Part IV provides for the repeal of the other Acts.

The Act makes a considerable number of changes in and additions to the provisions of the other Acts and only the more important of these are referred to in this note:

Section 7 provides that an association may not commence to carry on business until the Supervisor is satisfied that it has sufficient capital to do so, and gives permission in writing.

In Section 11 the number of objects specifically referred to is larger than in former Acts.

Section 12 sets out the ancillary powers of an association and it might be noted that they specifically include the power to do business with Credit Unions.

Section 14 provides that an association may not make loans to members or directors unless specifically empowered to do so by extraordinary resolution.

Section 17 (2) provides conditions affecting preferred shares including the right of the association to redeem the same.

Section 17 (7) provides that no member may hold, directly or indirectly, more than ten per cent of the total outstanding shares.

Section 22 includes some new provisions regarding directors, one of which is that the by-laws may require that to be eligible for election as a director a member must have done business with the association in such amount as may be specified by the by-laws.

Section 24 (2) provides that a Judge of the Supreme Court may prescribe the manner of calling a meeting where it is impracticable to call it in accordance with the by-laws.

Section 26 (2) provides that an association may purchase goods on credit or pledge its credit in any other transaction within its corporate powers.

Sections 27, 28 and 29 deal with the sale of goods on credit by the association.

Section 31 provides for the disposition of surpluses in accordance with the by-laws.

Section 32 deals with the withdrawal of a member's equity and the conditions governing the same.

Sections 33 to 40 provide provisions for the winding-up of associations.

This Act came into force on March 27, 1946.

ALBERTA INDUSTRIAL CORPORATION ACT

(Chapter 7)

The purpose of this Act is to establish a corporation which may be described as a Crown company except that it has not the immunities of the Crown, being subject to action in the Courts in the same manner as any other corporation. (Section 3 (2)).

The powers of the Corporation are contained in section 5, the main object being to lend money to persons or corporations carrying on or proposing to carry on any manufacturing, processing or industrial business in the Province. The other powers contained in section 5 are for the most part incidental to the main purpose of the Corporation.

Section 6 requires loans to be approved by the Lieutenant Governor in Council, while section 7 authorizes the advance to the Corporation of the sum of one hundred thousand dollars.

Section 8 authorizes the Corporation to raise money by the issue and sale of debentures up to the sum of five million dollars, which debentures are authorized by section 10 to be guaranteed by the Province.

Section 9 authorizes various municipal and public bodies to invest in these debentures.

Sections 11 to 15 deal with the appointment and powers of the board of directors.

Section 16 provides for the payment of any surplus, which is not needed by the Corporation, into the General Revenue Fund, while section 17 provides for an audit of the accounts of the Corporation at least once a year.

This Act came into force on March 27, 1946.

EDUCATION OF THE CHILDREN OF DECEASED AND DISABLED SERVICE MEN'S ACT

(Chapter 8)

This Act is along the same lines as a previous Act passed in 1930 with reference to the first Great War. The purpose of the Act is to implement the

recommendation of the special committee appointed to investigate the question of granting of assistance towards the cost of secondary education for children of deceased and disabled ex-service men.

Section 3 of the Act provides for the appointment of a board which shall serve without remuneration to administer the moneys voted for the purpose by section 4.

Section 5 of the Act provides for the making of regulations for the direction of the said board and also provides that in lieu of appointing a board, the Lieutenant Governor in Council may delegate the duties of the board to some other existing board or body of persons.

This Act came into force on March 27, 1946.

CULTURAL DEVELOPMENT ACT

(Chapter 9)

This Act enacts new legislation.

Section 3 authorizes the establishment by the Lieutenant Governor in Council of a number of boards for the encouragement of different aspects of the cultural life of the Province as set out generally in the section, library facilities, music, art, drama, handicrafts and physical recreation.

Section 4 deals with the appointment and terms of office of the Board members.

Section 5 deals with procedure.

Section 6 sets out in more detail the functions of the various boards to be established under the Act.

Section 7 provides that no remuneration shall be paid to board members other than out of pocket expenses.

Section 8 has a special provision relating to the board to be constituted to deal with library facilities.

Section 9 provides for an annual report by each board to the Minister, and section 10 provides for the appointment of an officer to be known as Coordinator of Cultural Activities whose duties are to be as set out in the section.

This Act came into force on March 27, 1946.

LIVE STOCK DISEASES ACT

(Chapter 10)

This Act enacts new legislation and its purpose is to deal with matters which are either not covered by the Dominion Act, viz: *The Animals Contagious Diseases Act*, or matters with respect to which regulations have not been made under the Dominion Act.

Section 3 authorizes the making of regulations on the various matters therein set out, including the inspection of premises, segregation of animals suffering with an infectious disease, destruction of diseased animals, etc.

Section 5 gives inspectors appointed under the Act the right of access to any premises to carry out their powers and duties, and "premises" has a wide definition (see section 2 (e)).

Section 6 gives the Minister power of delegation of his duties under the Act to the Provincial Veterinarian or an inspector.

Sections 7 and 8 declare certain things to be offences and prescribe penalties.

Section 9 is inserted to show the intention of the Legislature that the Provincial legislation is not to be repugnant to the Dominion Act.

This Act came into force on March 27, 1946.

ALBERTA BILL OF RIGHTS ACT

(Chapter 11)

Part I of this Act is declaratory of the rights of Alberta citizens generally and in particular it is declared,—

- (a) that every citizen of Alberta of not less than nineteen years of age and under sixty years of age is entitled to the opportunity to engage in gainful employment or if that is not available, to a social security pension;
- (b) that every citizen of Alberta under nineteen years of age is entitled to the necessities of life, educational benefits and medical benefits;

- (c) that every citizen of Alberta who has reached the age of sixty years is entitled to retire and receive a pension of such amount (not less than the amount of the social security pension) authorized from time to time by the Legislature together with medical benefits;
- (d) that every citizen of Alberta who is disabled and unable to engage in gainful employment is entitled to a social security pension together with medical benefits.

By section 14 the Lieutenant Governor in Council is empowered to classify occupations as coming within the meaning of gainful employment and to enter into agreements with the Government of Canada or of any Province which may be deemed necessary to carry out the purposes of this Act. Power is also given to the Lieutenant Governor in Council to make rules and regulations governing the determination of any question which may arise under the Act and the procedure to be adopted, and in particular with respect to the qualifications of any person for high school and University education, the availability of gainful employment, the eligibility of any person for a social security pension and medical benefits, the eligibility of any person to receive a pension upon reaching the age of sixty years, and the amount of the pension to be paid.

Part II of the Act deals with the administration of credit and provides for the issuing to credit institutions of Alberta credit certificates authorizing a corresponding amount of "credit deposits" which is defined as meaning deposits of credit which have been made available to persons as claims on goods and services and in respect of which credit institutions have no corresponding reserve of currency.

Section 16 authorizes the appointment of a Board of Credit Commissioners which by section 17 shall have authority to license all credit institutions in the Province and make regulations as to license fees, etc. Any credit institution which carries on operations without a license is made liable to penalties and provision is also made in such cases for

the Board, with the approval of the Lieutenant Governor in Council, entering the premises of a credit institution and assuming control of its business, provided that this does not interfere with any operations which the institution is authorized to perform under the provisions of *The Bank Act* nor with the deposits of customers or the rights of the customer to deal with his deposits.

By section 18 the Board is directed to establish and maintain a proper accounting of the estimated capitalized productive resources of the Province expressed in monetary terms, being the estimated capitalized valuation of its credit to be known as the Capital Assets Account of Alberta which shall include,—

- (a) the natural resources of the Province both developed and undeveloped;
- (b) buildings, plant, public utilities, etc.;
- (c) the capitalized productive capacity of the people.

By Section 19 the Board is directed to establish an account to be known as the Consolidated Credit Adjustment Fund to which Fund shall be issued by the Board against the Capital Assets Account of Alberta credit deposits in such amounts as may from time to time be required as a reserve for providing an adequate volume of credit deposits to finance the production and distribution of goods and services in the Province and maintaining a balance between the aggregate purchasing power of the people of the Province and the estimated collective prices of goods for sale in the Province.

By section 20 it is provided that from the Consolidated Credit Adjustment Fund the Board shall, with the approval of the Lieutenant Governor in Council, transfer to the General Revenue Account such amounts of credit deposits as are necessary for the payment of social security pensions, educational benefits and medical benefits, for the reduction of taxation, for grants to public authorities, and for the reduction of retail prices by means of subsidies. By sub-

section (2) of the same section the Board is authorized to issue to licensed credit institutions Alberta Credit Certificates in order to enable them to issue credit deposits to customers over and above the deposits against which a reserve of currency is held.

By section 22 it is provided that if the aggregate purchasing power of the people at any time exceeds the estimated collective prices of the goods for sale, the Board shall report this condition to the Lieutenant Governor in Council who is required to take steps to retire such excess purchasing power by one or more of the steps set out in the section, including the withdrawal of Alberta Credit Certificates in whole or in part from licensed credit institutions on a *pari passu* basis.

Section 23 provides for reports by the Board to the Minister at least once every three months upon the extent to and the manner in which the credit of the Province is being utilized, whether it is adequate, the extent to which the aggregate purchasing power of the people is adequate to purchase the total goods and services for sale in the Province, and as to any action required to be taken for the purpose of balancing purchasing power and the collective prices of goods and services for sale.

Section 24 deals with the manner in which credit institutions shall keep and operate the accounts of customers and provides that the Board shall have access to the books, records and accounts. It is further provided by the said section that the Board may require a licensed credit institution to hold Alberta Credit Certificates against credit deposits of customers, not being deposits against which a reserve of currency is held.

Section 25 contains a general power to the Board to make regulations, subject to the approval of the Lieutenant Governor in Council, necessary for the administration of the Act.

Section 26 provides penalties for credit institutions and others found guilty of violating any of the provisions of Part II of the Act, which penalty may

include the cancellation of the license of a credit institution.

Section 27 provides for the payment of taxes, fees, etc., by the transfer of credit deposits.

This Act shall come into force on Proclamation, and no such proclamation shall be made until the question of the validity of the Act has been referred to the Supreme Court of Alberta, and it is certified upon any such reference that the Act is valid and if no appeal is pending, until the time for giving notice of appeal has elapsed.

OIL SANDS LIMITED AND BITUMOUNT HOLDING COMPANY LIMITED, AN ACT TO CONFIRM ORDER IN COUNCIL NO. 162-46, DATED THE 21ST DAY OF JANUARY, 1946, AUTHORIZING THE EXECUTION OF A CERTAIN AGREEMENT BETWEEN THE GOVERNMENT OF THE PROVINCE OF ALBERTA AND

(Chapter 12)

This Act validates an Order in Council which authorized an agreement between the Government and Oil Sands Limited and Bitumount Holding Company Limited whereby a further advance of \$150,000 is to be made to the Alberta Marketing Board out of the Post War Reconstruction Fund to be disbursed for the purpose of constructing additions to the plant of the Company on the terms and conditions contained in the said agreement.

The Order in Council and agreement are printed as a Schedule to the Act. The agreement is supplementary to one made in December, 1944, and validated by chapter 11 of the Statutes of 1945 which provided for an advance of \$250,000 for the purposes and on the conditions set out in that agreement which was made a Schedule to said chapter 11.

This Act came into force on March 27, 1946, and the Order in Council set out in the Schedule is retroactive to January 21, 1946.

VILLAGE OF INNISFREE, AN ACT RESPECT- ING THE

(Chapter 13)

The purpose of this Act is to validate certain changes made in the area included in the Village of Innisfree by an order of the Minister of Municipal Affairs dated May 22nd, 1929, and effective January 1st, 1929. *The Village Act* had, however, been amended some months previously by transferring the authority to make such changes from the Minister to the Board of Public Utility Commissioners, and this amendment had been overlooked. The order has always been considered as effective both by the owners of the lands affected and by the municipalities concerned, and the proposed Bill validates the order.

This Act came into force on March 27, 1946.

VILLAGE OF LOMOND, AN ACT RESPECTING THE

(Chapter 14)

The purpose of this Act is to validate certain changes made in the area included in the Village of Lomond by an order of the Minister of Municipal Affairs dated December 10th, 1929, and effective as of that date. *The Village Act*, had, however, been amended some months previously by transferring the authority to make such changes from the Minister to the Board of Public Utility Commissioners, and this amendment had been overlooked. The order has always been considered as effective both by the owners of the lands affected and by the village, and the proposed Bill validates the order.

This Act came into force on March 27, 1946.

VOTING IN TOWNS AND VILLAGES OF MEMBERS OF THE ARMED FORCES, AN ACT TO VALIDATE ORDER IN COUNCIL NO. 1991-45 DATED THE 11TH DAY OF DECEMBER, 1945, RELATING TO THE

(Chapter 15)

The Order in Council which is validated by this Act was made subject to

validation by the Legislature and added a new form of oath to be taken by voters in towns and villages so that voters who had returned from overseas service after an absence of some years would be able to vote at the municipal election.

This Act came into force on March 27, 1946, and is retroactive to December 11, 1945.

VOTING IN THE CITY OF WETASKIWIN AND THE WETASKIWIN SCHOOL DISTRICT OF MEMBERS OF THE ARMED FORCES, AN ACT TO VALIDATE ORDER IN COUNCIL NO. 1964-45 DATED THE 4TH DAY OF DECEMBER, 1945, RELATING TO THE

(Chapter 16)

The Order in Council validated by this Act was made at the request of the City of Wetaskiwin subject to validation by the Legislature to enable voters who had been overseas for a period of years to vote at the municipal and school elections held in 1945.

This Act came into force on March 27, 1946, and is retroactive to December 4, 1945.

DEPARTMENT OF EDUCATION ACT AMENDMENT ACT

(Chapter 17)

The amendment made to section 8 of *The Department of Education Act* by this Act gives the Minister of Education an additional power to appoint an officer or officers to examine and inspect books and records of a school division or school district and requires the proper officer of the district or division to make the books, etc., available on demand.

This Act came into force on March 27, 1946.

PUBLIC WORKS DEPARTMENT ACT AMENDMENT ACT

(Chapter 18)

Section 25 of the above Act which is amended by this Act provides that the Provincial Treasurer may, upon the requisition of the Minister of Public Works advance out of General Revenue the amounts required to pay for equip-

ment, stock or material required by the Department of Public Works. It was provided that the net amount of such advances shall not at any time exceed the sum of one million, five hundred thousand dollars. The purpose of the amendment is to increase this maximum amount to one million, eight hundred thousand dollars.

This Act came into force on March 27, 1946.

PUBLIC UTILITIES ACT AMENDMENT ACT

(Chapter 19)

This Act amends section 82 of the above Act by incorporating two new subsections. Subsection (3) of section 82 provides that no person shall supply electrical power within a municipal district or improvement district without the approval of the Board and that approval shall not be given unless the Board is satisfied that having regard to the availability of any other source of supply in the area and to any other circumstances, such approval is to the general benefit of the area affected by it. The new subsections provide that the Board in granting any such approval must give consideration to the present or future need for the extension of electrical service to rural areas and shall impose conditions with respect to construction of the lines and with respect to the equipment to be used by the applicant for the franchise as to the Board shall seem expedient having regard to existing or future extensions of electrical service to rural areas. It is also provided that notice of any such application for approval under subsection (3) shall be given to the Alberta Power Commission.

This Act came into force on March 27, 1946.

TREASURY BRANCHES ACT AMENDMENT ACT

(Chapter 20)

Section 1 of this Act repeals section 5 of *The Treasury Branches Act* and substitutes a new section therefor. The purpose of this amendment is to enable

depositors to deposit transferable savings certificates issued pursuant to *The Savings Certificates Act* in the Treasury Branches, and to enable depositors to transfer portions of the deposits in amounts of not less than five dollars or a multiple thereof to other depositors.

The Act further provides that these deposits of transferable savings certificates shall be kept in an account separate and apart from any other deposits received under the provisions of *The Savings Certificates Act*.

This Act came into force on March 27, 1946.

AMUSEMENTS ACT AMENDMENT ACT

(Chapter 21)

This Act enacts a new section 18a in Part II of the above Act dealing with moving picture operators and authorizes the appointment of an Advisory Board to consult with and advise the Minister as to regulations applicable to such operators.

Section 34 of the Act formerly provided that in cases which are not dealt with specifically in the Act, the penalty for an infraction of the Act should be a fine of not less than twenty-five dollars and costs. The amendment strikes out the minimum penalty but the maximum penalty of two hundred dollars and costs still remains.

This Act came into force on March 27, 1946.

ELECTRIC POWER TAXATION ACT AMENDMENT ACT

(Chapter 22)

Under *The Electric Power Taxation Act* amended by this Act the assessments are made by the Director of Assessments appointed under *The Alberta Municipal Assessment Commission Act* and as he is a member of the Alberta Assessment Commission, it is considered desirable that appeals should not go to the Commission but to the Board of Public Utility Commissioners. The Amendments made by this Act are intended to carry that purpose into effect.

This Act came into force on March 27, 1946.

FUEL OIL TAX ACT AMENDMENT ACT

(Chapter 23)

Section 12 of the above Act prohibits the use of purple gas except in a tractor, combine or stationary engine while operated on a farm for agricultural purposes. The purpose of subsection (2) added to section 12 by this Act is to permit the use of purple gas as stated in the subsection, namely, in a motor vehicle when used solely for operation on a farm or in a tractor operated on a highway for hauling farm produce or machinery or for the purpose of being moved from one location to another. This amendment necessitates the amendment made to section 10 by this Act which will permit the sale of purple gas for the purposes mentioned.

Under subsection (1) of section 36, when a person is convicted of having purple coloured fuel oil in a motor vehicle, except in tractors, etc., while operated on a farm for agricultural purposes, a magistrate has no option but to impound the motor vehicle for a period of not less than fourteen days. This has been found to work hardships in many cases, particularly during the period of putting in crops and harvesting, and the purpose of the amendment to the said subsection is to give the magistrate a discretion as to whether the motor vehicle should be impounded in these cases, and also to make the period of impoundment within the discretion of the magistrate not exceeding fourteen days.

This Act came into force on March 27, 1946.

MINERAL TAXATION ACT, 1945, AMENDMENT ACT

(Chapter 24)

Section 11 of the Act amended by section 1 of this Act provides for an appeal from assessment by service of a notice of appeal upon the Alberta Assessment Commission to whom the appeal goes. The amendment provides that the notice of appeal shall also be served on the Deputy Minister of Lands and Mines.

Section 2 of this Act strikes out section 14 of the Act and enacts a new

section 14. The new section provides that the tax rate may vary as to different minerals instead of there being a uniform rate; also the provision making a maximum rate of ten mills on the dollar has been struck out.

This Act came into force on March 27, 1946.

SAVINGS CERTIFICATES ACT AMENDMENT ACT

(Chapter 25)

Section 1 of this Act repeals subsection (1) of section 2 of the Act, and substitutes a new subsection which enables the Provincial Treasurer to issue non-negotiable savings certificates or transferable savings certificates as the case may be. Under the old subsection, he could only issue non-negotiable savings certificates. The purpose of this amendment is also to enable the holders of transferable savings certificates to transfer them to a new holder.

This Act came into force on March 27, 1946.

PIPE LINE TAXATION ACT AMENDMENT ACT

(Chapter 26)

Under *The Pipe Line Taxation Act* amended by this Act the assessments are made by the Director of Assessments appointed under *The Alberta Municipal Assessment Commission Act* and as he is a member of the Alberta Assessment Commission, it is considered desirable that appeals should not go to the Commission but to the Board of Public Utility Commissioners. The amendments made by this Act are intended to carry that purpose into effect.

This Act came into force on March 27, 1946.

SUCCESSION DUTY ACT AMENDMENT ACT

(Chapter 27)

Section 7 of *The Succession Duty Act* which is amended by section 1 of this Act enumerates the exemptions which are allowed under the Act. Paragraph (d) as it formerly stood, exempted gifts,

etc., to the University of Alberta, and the proposed new paragraph (d) extends this exemption to gifts or bequests to school districts and school divisions in the Province.

The amendment to section 31 is made to conform with a general reduction in interest rates. This section as it now reads conforms with the rate of interest charged under the Dominion Act, and those of other Provinces, and makes four per cent the rate to be used in determining the value of annuities, etc.

The new section 39*a* has been added to prevent the depletion of assets of an estate by a succession of deaths which are very close together, and enables the Minister to relieve the estate in these cases by a reduction of the duties on the second death by the amount set out in this section.

This Act came into force on March 27, 1946.

PROVINCIAL LANDS ACT AMENDMENT ACT

(Chapter 28)

Section 1 of this Act adds a new paragraph (i) to subsection (1) of section 16. That subsection enumerates a number of covenants and agreements which are implied in an agricultural lease. This is not new but formerly appeared as a proviso to subsection (3) of section 17. It more appropriately appears where the amendment places it and is struck out of section 17 (3) by section 2 of this Act, which also adds a new subsection to section 17. This subsection provides that an agricultural lessee who obtains title shall not be eligible to apply for another lease.

Section 3 of this Act adds a new subsection to section 32 providing that a lessee who assigns his agricultural lease cannot apply for another lease for two years after registration of the assignment.

Section 4 of this Act adds three new subsections to section 44 dealing with royalties on minerals. The new subsection (6) provides that with respect to a lease or title of minerals which is subject to the payment of a royalty, the

royalty to be computed, levied and collected shall be as now or hereafter prescribed by the Lieutenant Governor in Council and shall be payable on any mineral when and where obtained, recovered or produced. Subsection (7) authorizes the Minister in computing the royalty on any liquid hydro-carbon except crude oil, to give consideration to the cost of processing for the recovery of such product, while subsection (8) gives an extended meaning to the word "mineral" for the purposes of the whole section.

Section 5 of this Act makes two amendments to section 47 of the Act. This section deals with school lands, and subsection (2) enables the Minister to sell school lands as part of a block for the purpose of irrigation or to set them aside for the purpose of an Indian or other public reserve, or for any other purpose which the Minister considers to be in the public interest. The purpose of the amendment is to include in the term "public interest" the re-establishment in agriculture of service men. A further amendment to section 47 is the striking out of the second proviso to subsection (2) authorizing the Minister to sell the surface to the lessee of the mining rights under school lands in certain cases. A new proviso to this subsection is inserted by paragraph (b) of section 5 of the Act which authorizes the Minister to sell to a school district or school division a portion of school lands for dormitories, etc., at the market value at the time of sale.

Section 89 of the Act which is amended by section 6 of this Act deals with the issue of a notification to the Land Titles Office when an agricultural lessee has become entitled to receive a certificate of title and authorizes the Minister or Deputy Minister to sign the notification. The purpose of the amendment is to extend this authority to some other officer of the Department authorized in writing by the Minister.

This Act came into force on March 27, 1946.

OIL AND GAS RESOURCES CONSERVATION ACT AMENDMENT ACT

(Chapter 29)

This Act strikes out subsection (6) of section 33 of the above Act and substitutes a new subsection. The subsection deals with the minimum tax and formerly referred to a tax on minerals. The tax payable under this Act, however, is confined to a tax on "petroleum property" as defined in section 23. The amendment is to make it clear that the minimum tax is payable on each "petroleum property."

This Act came into force on March 27, 1946.

ALBERTA FISHERY ACT AMENDMENT ACT

(Chapter 30)

This Act amends paragraph (j) of section 4 of the above Act and substitutes a new paragraph. Section 4 authorizes the Lieutenant Governor in Council to make regulations as to various matters. The proposed clause (i) is the same as the present paragraph (j). Clause (ii) is new and authorizes the Lieutenant Governor in Council to make regulations providing for the payment of royalties on fish caught for commercial purposes, and as to the payment and recovery of the royalties.

This Act came into force on March 27, 1946.

CROWN CULTIVATION LEASES ACT AMENDMENT ACT

(Chapter 31)

This Act amends section 3 of the above Act, which deals with the crop rentals payable to the Minister of Lands and Mines under crown leases, and provides that the Minister may pay 40 per cent of the rental to the municipal district or improvement district in which the land is situate, and 40 per cent to the school district in which the land is situate, or in case the school district is in a school division, to the school division. The effect of the amendment is that the 40 per cent formerly payable to a school division is to be paid to the

municipal district or improvement district in which the land is situate, which is the body which pays the requisition of the school division.

This Act comes into force on January 1, 1947.

PUBLIC WORKS ACT AMENDMENT ACT

(Chapter 32)

This Act introduces two new sections into *The Public Works Act*.

Section 42a of this Act prohibits the owner or occupant of irrigated land abutting on a highway from permitting irrigation water to escape from the land into a highway ditch. Subsection (2) provides a penalty for a breach of subsection (1), which penalty may include an amount based on the damage caused to the highway.

Section 42b (1) prohibits the owner or occupant of land abutting on a highway from constructing a ditch or drain on his land within one hundred feet at right angles from the centre line of the road allowance, etc., without the written approval of the Minister of Public Works, and subsection (2) prescribes penalties for breaches of subsection (1).

This Act came into force on March 27, 1946.

AGRICULTURAL SERVICE BOARD ACT AMENDMENT ACT

(Chapter 33)

Section 1 of this Act corrects an error in describing the Board in section 4.

Section 2 amends section 15. Subsections (4) and (5) now provide for a municipal council, or in an improvement district, the Minister of Municipal Affairs, going into possession of lands infested with weeds or otherwise debilitated by improper use for the purpose of reclaiming the land. With this authority, municipal districts or the Minister, in the case of improvement districts, may undertake reclamation by employing the necessary equipment and labour or by arranging with the owner or tenant to follow a reclamation plan as outlined by the Service Board.

By experience, municipal districts have found that equipment and labour are frequently not available when required and that an agreement with the owner to carry out an approved reclamation plan is in many cases not practical.

The new subsection (5a) gives an alternative power to the council and the Minister, namely, leasing of the land to an approved tenant on whatever terms may be considered proper to accomplish reclamation.

This Act came into force on March 27, 1946.

NOXIOUS WEEDS ACT AMENDMENT ACT

(Chapter 34)

Section 1 of this Act introduces a new section 24a dealing with seed cleaners and prohibits persons other than farmers processing their own seed grain from operating or controlling seed cleaners without a permit from the Field Crops Commissioner who is authorized to cancel or suspend the permit where grain is not being properly cleaned or weed seeds are being improperly dealt with. Subsection (4) imposes a penalty for operating a seed cleaner without a permit.

Section 2 of this Act amends paragraph (b) of section 36. Section 36 deals with cases where a notice has been given by a weed inspector forbidding a person to seed a parcel of land with grain or other crops, and paragraph (b) makes it an offence for a person who has received such a notice to sell or lease the land without giving the purchaser or tenant a copy of the notice, if it was given between the time of making the sale or lease and the first day of January in the year preceding the time of sale. Section 2 of this Act adds to this a provision that in any such case the purchaser or tenant if he wishes, may rescind the sale or lease within one year of the making of the sale or lease.

This Act came into force on March 27, 1946.

**LETHBRIDGE NORTHERN COLONIZATION
ACT AMENDMENT ACT**

(Chapter 35)

Under the above Act lands which have been forfeited by the irrigation district for non-payment of rates are transferred to the Lethbridge Northern Colonization Manager to be held and dealt with by him as an agent of the Crown, and the lands are, while so held, exempt from assessment and taxation. The purpose of the amendment is to enable the Manager to pay municipal taxes, including school taxes, out of rents received from leasing such lands.

This Act came into force on March 27, 1946.

**NEW WEST I. D. COLONIZATION ACT
AMENDMENT ACT**

(Chapter 36)

Under the above Act lands which have been forfeited by the irrigation district for non-payment of rates are transferred to the New West Irrigation District Manager to be held and dealt with by him as an agent of the Crown, and the lands are, while so held, exempt from assessment and taxation. The purpose of the amendment is to enable the Manager to pay municipal taxes, including school taxes, out of rents received from leasing such lands.

This Act came into force on March 27, 1946.

DISTRICT COURTS ACT AMENDMENT ACT

(Chapter 37)

This Act strikes out section 28 of the Act and substitutes a new section. The section deals with the commencement of a District Court action and formerly prescribed as the judicial district in which an action must be commenced, where one of the defendants resides, and the section has given rise to difficulties.

Under the amendment actions shall be commenced either in the judicial district where one of the defendants resides or in the judicial district in which the cause of action arose, but

a judge is given power upon special grounds to transfer it to some other district which may be more convenient. It is provided, however, that if the cause of action arose outside the Province, the action shall be commenced and tried in a district in which a defendant then resides or carries on business with the same power to a judge to transfer the action to another district.

This Act comes into force on July 1, 1946.

JUDICATURE ACT AMENDMENT ACT

(Chapter 38)

This Act adds a new section 36a to the above Act. The provisions of the Act mentioned in the new section, namely, sections 34 (f) (ii) and 36 (o) and (p) dealing with the terms of an order of foreclosure of a mortgage or of specific performance of an agreement for sale, and providing among other things that the remedy of the mortgagee and vendor are restricted to the land covered by the mortgage or agreement for sale, are declared inapplicable to the enforcement of a mortgage or trust deed executed as security for a debenture issue of a corporation, and to a mortgage on land executed by a corporation in favour of the Industrial Development Bank incorporated by Chapter 44 of the Statutes of Canada, 1944-1945.

This Act came into force on March 27, 1946.

JURY ACT AMENDMENT ACT

(Chapter 39)

This Act amends section 20 of *The Jury Act*, which section deals with the drawing of the jury panel. Subsection (9) is replaced by two subsections (9) and (9a). The former subsection (9) provides only for the case where the Clerk and Sheriff is ill while the new subsection (9) gives him authority to appoint an official of the office to draw the envelopes. The new subsection (9a) deals with cases where the Clerk and Sheriff is ill and provides

that the District Court Judge shall appoint two persons to perform the duties of the Clerk and Sheriff, and as in some judicial districts and sub-judicial districts there is only one employee besides the Clerk and Sheriff, provision is made in such cases for the appointment of a Police Magistrate or Justice of the Peace to assist in drawing the panel.

This Act came into force on March 27, 1946.

LIMITATION OF ACTIONS ACT AMENDMENT ACT

(Chapter 40)

This Act introduces a new subsection (3) to section 5 of the above Act. In case of claims against the estate of a deceased person it frequently happens that a claim may be nearly outlawed at the time of the death of the deceased and if there is much delay in the appointment of executors or administrators a creditor finds that it is too late for him to bring an action against the estate. The purpose of the amendment is to enable a creditor to sue within the prescribed time or within two years of the death of the deceased whichever is the longer period.

This Act came into force on March 27, 1946.

VENDORS' AND MORTGAGEES' COSTS EX-ACTION ACT AMENDMENT ACT

(Chapter 41)

Section 2 of the Act renders null and void certain stipulations as to costs in mortgages, agreements for sale, etc. The effect of the amendment made by section 1 of this Act is to add the costs set out in paragraph (b) to the costs which may be legally stipulated for in a land mortgage, namely, the costs of a mortgagee of land of and incidental to the making of a loan and taking of security and the costs of supervising the construction or improvement of a building erected on the mortgaged premises.

This Act came into force on March 27, 1946.

MUNICIPAL DISTRICT ACT AMENDMENT ACT

(Chapter 42)

Section 1 of this Act amends paragraph (c) of subsection (1) of section 17 of the above Act by the addition thereto of certain words. The former paragraph (c) authorized the Minister by order to establish electoral divisions and define their areas or alter in any way the area of any division in any municipal district, and the addition extends this authority to authorize the Minister to reduce the number of divisions by merging two divisions or by other changes which may be decided upon.

Section 25 of the Act formerly required that the selection of the place where the municipal office is to be situate requires the approval of the Minister; the amendment made by section 2 of this Act removes this requirement.

Section 3 of this Act cures an oversight.

Section 4 of this Act enacts a new section 132. The former section provided that the council shall consist of six councillors or such other number as the Minister may direct. Difficulties have arisen in the conduct of business of some councils where the number of councillors is an even number and the change requiring the number of councillors to be an odd number is made for that reason.

Section 5 of this Act enacts a new section 146a which provides for a representative of a school division which is included wholly or partially in the municipal district attending meetings of the council and taking part in discussions relating to school matters. As the revenues of school divisions come from requisitions on municipalities which are required to levy the amounts of the requisitions, this amendment is considered desirable and has been agreed upon by both the Departments of Municipal Affairs and Education. A corresponding provision has been put in *The School Act* enabling a representative of a municipal council to attend meetings of a divisional board.

Section 6 of this Act adding a new subsection (10) to section 164 enables a council to pay the councillor appointed to attend a divisional board meeting pursuant to the new section 165a the fee and expenses mentioned, namely, not exceeding six dollars per day and mileage.

Section 7 of this Act enacts a new section 165a and provides for the appointment by the council of a member to attend divisional board meetings.

The amendment to section 180 made by section 8 of this Act adds to the duties of the secretary-treasurer set out in section 180 the duties set out in three new paragraphs which are all in connection with the interchange of representatives at meetings between municipal districts and school divisions.

Section 9 of this Act strikes out section 200 and enacts a new section 200. The former section provides that no expenditures under sections 198, 199 and 200 in any one year shall exceed Two Thousand Dollars unless they are authorized by a vote of the proprietary electors. The new section requires that in any case where the proposed expenditure under sections 198, 199 and 200 exceeds Ten Thousand Dollars, the by-law must be submitted to the proprietary electors and approved by a majority of those voting. In other cases if the borrowing exceeds Two Thousand Dollars the by-law must be advertised and if ten per cent of the proprietary electors ask by petition that it be referred to the proprietary electors, it must be so submitted and be approved by a majority of those voting.

Section 10 of this Act proposes a new section 250a which authorizes a council to purchase, construct and operate an electric light, heat, power, natural gas or gas plant and to enter into agreements for the transmission and distribution by a municipal plant of electricity, etc. supplied by some other person or corporation. Provision is made for the approval by the Board of Public Utility Commissioners of the by-law and also for the approval of two-thirds of the proprietary electors voting thereon.

Section 251 of the Act which is amended as to subsection (10) by sec-

tion 11 of this Act deals with the responsibility of the municipality for the relief of indigents. Subsection (10) deals with cases where a council grants relief to a non-resident and provides for recovery over against the municipality of which the indigent is a resident. Where he is a resident of an improvement district, recovery over is, under the former section, against the Minister of Municipal Affairs. However, the administration of indigent relief in improvement districts is now under the Minister of Public Welfare, and the amendment transfers the responsibility in such cases under subsection (10) to the last mentioned Minister.

Section 12 of this Act amends subsection (1) of section 321 of the Act. That subsection provides for the imposition by a council subject to the approval of the Minister of Municipal Affairs, of a minimum tax of four dollars for school purposes payable by all residents of the district who are twenty-one years of age. The amendment removes the restriction requiring the approval of the Minister.

Section 13 of this Act amends the form of oath to be taken at municipal elections by a person whose name is not on the list. Persons not on the assessment roll require a residence of six months in the district to be entitled to vote and the new form added is for the benefit of service men who, while they did not actually lose their residence by joining the armed forces, might hesitate to take the oath as to six months residence after an absence of sometimes five and six years.

The Order in Council validated by section 14 amended, subject to validation by the Legislature, the form of oath as set out in section 13 and is declared to have been in force since the date of its passing, December 11th, 1945.

This Act came into force on March 27, 1946.

ALBERTA MUNICIPAL ASSESSMENT COM- MISSION ACT AMENDMENT ACT

(Chapter 43)

The amendments made by this Act arise out of the appointment of the Alberta Assessment Commission under authority contained in section 8 of the Act. Since 1935 the Board of Public Utility Commissioners has acted as the Alberta Assessment Commission also under power contained in section 8.

The Order in Council appointing the Alberta Assessment Commission is attached to this Act and provides that the Board of Public Utility Commissioners shall retain jurisdiction over certain appeals under *The Mineral Taxation Act* now pending before it.

Provision is made for an appeal to the Board of Public Utility Commissioners from the equalization of assessments made by the director of assessment and from any assessment which may be made by the director as the director is a member of the Alberta Assessment Commission.

The provisions of section 2 of this Act provide for hearings of the Alberta Assessment Commission continuing before less than the full membership of the Commission and for a member taking part in a hearing though he was not present at the beginning, etc. These provisions also apply to the Board of Public Utility Commissioners in hearing appeals under section 18 and under *The Mineral Taxation Act* referred to above.

Section 3 enacts a new section 17 and sets out the cases in which an appeal lies to the Alberta Assessment Commission.

Section 4 enacts a new section 18 and provides an appeal to the Board of Public Utility Commissioners in the cases already referred to.

This Act came into force on March 27, 1946, and is retroactive to March 1, 1946.

ASSESSMENT ACT AMENDMENT ACT

(Chapter 44)

This Act amends section 20 of the above Act by adding a new subsection

(3). Section 20 gives authority to a council to pass a by-law imposing a business tax. The amendment defines fur farming as a business and so makes fur farming liable to a business tax if a by-law is passed.

Section 2 of this Act amends section 21 by providing for the assessment and the basis of the assessment which is at an amount per animal, a maximum for each class of animal to be fixed by Order in Council. For the purpose of the assessment of land and improvements, fur farms are still classified as farm lands.

This Act came into force on March 27, 1946.

TOWN PLANNING ACT AMENDMENT ACT

(Chapter 45)

Section 27 of *The Town Planning Act* provides that where an application has been made to a municipal council to amend a zoning by-law, the council may for a period not exceeding two months withhold a building permit. It has been found in practice that this period is not sufficient as section 23 of the Act requires a notice of the intention to pass the amendment to be advertised at least eight clear weeks before the date fixed for passing the by-law. It is considered that ample time would be given if the council were authorized to withhold the building permit for fourteen weeks. That is the effect of the proposed amendment.

This Act came into force on March 27, 1946.

SCHOOL ACT AMENDMENT ACT

(Chapter 46)

Section 49 of the Act which is amended by section 1 of this Act provides for an annual meeting of electors and rate-payers of every district other than town districts to be held before February 20th. The purpose of the amendment is to authorize a divisional board to call a meeting when the meeting provided for in subsection (2) of section 49 has not been held.

Section 2 of this Act amends section 64 of the Act which provides that a rural district shall have three trustees which may be increased to five by a resolution passed at the annual meeting. The purpose of the amendment is to authorize a rural district in a division to provide by resolution for the election of only one trustee in which case the terms of sitting members shall be deemed to have expired and one trustee elected.

Section 3 of this Act amends section 73 of the Act which deals with prohibited transactions for trustees, but allows a trustee to receive remuneration for acting as secretary, etc. The amendment limits this exemption to remuneration for "casual or part time employment." The reference to school divisions is struck out of subsection (6) which deals with trustees who are merchants selling merchandise to the Board as that matter is dealt with in a later section dealing with divisions.

The first change made by section 4 of this Act in section 127 by striking out "Chief Inspector" and substituting "Chief Superintendent of Schools" is necessary by reason of the reorganization of the Department of Education and the change in the title of officials. The second change in this section is to authorize school districts to pay members of the Board for attendance at meetings if approval, except in the case of a city district, is given at the annual meeting of electors.

Section 5 of this Act enacts a new section 140a dealing with the conveyance of school children in school divisions, and provides that the width of road allowances shall not be included in computing the distance a child is from school on the van route. There is now a similar section in *The School Attendance Act*.

Section 143 of the Act deals with the expropriation of school sites, and the amendment made by section 6 is solely for the purpose of clarification.

Section 7 of this Act strikes out subsection (3) of section 172 and substitutes a new subsection (3). The former subsection provided for the pay-

ment of a teacher by either ten or twelve equal monthly instalments; the amendment provides only for twelve monthly instalments.

Section 8 of this Act strikes out section 173 and enacts a new section 173. This section deals with the computation of the teacher's salary. The section formerly in force provided that when a teacher does not teach on all the days when the school should be in operation, he shall receive remuneration at the rate of one two-hundredth part of his annual salary for each day enumerated in the section. The amendment provides that when a teacher is employed for a period including all the teaching days of a year consisting of a December term followed by a June term he shall receive his full salary less one two-hundredth part of such salary for each day upon which he did not teach. The new subsection (3) provides for payment on the daily basis for teachers who teach for a term which is not part of a year's employment consisting of a December term followed by a June term and for teachers teaching less than one hundred days in two consecutive terms. The provision of subsection (4) as to the days on which a teacher shall be deemed to have taught is the same as in the section now in the Act.

Section 9 of this Act enacts a new section 178, striking out the present section. The section formerly in force merely provided that the head teacher shall be called the principal and the other teachers assistants. The purpose of the amendment is to give the principal, etc., a more definite status by providing that they shall be designated by the Board as principal, etc., and further provides that a principal shall remain as such until the engagement as such is terminated in the same manner as the engagement of a teacher under section 167, and that the employment as principal may be terminated without affecting the employment as a teacher. Provision is also made for the appointment of vice-principals in schools where ten or more teachers are employed.

The amendment to section 179 by section 10 of this Act is to bring the section in line with the above amendments to section 178.

Section 181 which is struck out by section 11 of this Act deals with the borrowing powers of certain school districts. This section is no longer necessary as the borrowing powers of all school districts are now included in section 182 which is enacted by section 12 of this Act. The principal changes made from the former section 182 are as follows:

(a) Subsection (1) makes it clear that a board may borrow, with the approval of the Minister, on terms of repayment either in the current year or over future years.

(b) Subsection (2) makes it clear that a Board may charge the loan not only on current taxes and requisitions but also on taxes and requisitions of future years limited to the years in which the loan is repayable under the terms of the borrowing.

(c) Subsection (4) is a provision which is already found in *The Town and Village Act* and *The Municipal District Act* and provides that a lender is not bound to establish the necessity of the loan or see to its proper application.

(d) Subsection (3) is unchanged.

Section 185 of the Act which is amended by section 13 of this Act deals with the advertising required of intention to apply to the Board of Public Utility Commissioners for authority to borrow on debentures. The change made is to make a special provision on this matter with respect to school divisions owing to their large area and the fact that one newspaper may circulate in one part of the division and another in another part. The provision formerly in the Act required publication in only one newspaper while the new provision requires publication in each newspaper published in the division or in any adjacent town or village district, and also posting in each post office in the division and in adjacent town and village districts.

Section 14 of this Act is necessary by changes in the Department of Education.

Section 15 of this Act amends section 208a dealing with debenture issues by adding two new subsections (1a) and

(1b) and by striking out subsection (8) and substituting a new (8). The new subsection (1a) provides for debentures containing provisions for redemption before maturity and the terms of the by-law in such cases and the procedure to be adopted. Subsection (1b) authorizes refunding debentures to exceed in amount the outstanding debentures redeemed. The new subsection (8) provides that the signature of the chairman or of the treasurer be engraved or lithographed on debentures, and the signature of both on the coupons is to be engraved or lithographed.

Section 16 of this Act adds a subsection (2) to section 212. The new subsection authorizes the engraving or lithographing of the counter-signature of the Minister of Education or Deputy Minister of Education.

Section 215 amended by section 17 of this Act deals with school fees. Paragraph (b) of subsection (3) which is struck out and substituted deals with pupils in Grade IX and provides that no fee shall be charged for a pupil whose parent or lawful guardian is resident in unorganized territory and on lands subject to taxation under *The Educational Tax Act*. The new (b) makes the parent or guardian residing outside a school district or division liable, but provides that if he is residing on land taxed under *The Educational Tax Act*, the Minister will pay the fee up to thirty dollars. A similar amendment is made to paragraph (e) of subsection (4) which applies to pupils in Grades X, XI and XII. In these cases the Minister pays the fee up to thirty-five dollars.

Section 19 of this Act amends section 251 which deals with the setting up of school divisions and the powers of the Minister with respect to the same. Paragraph (a) strikes out words in subsection (5) which are inappropriate because the subsection in which they appear does not refer to proposed divisions but to established divisions. Paragraph (b) adds to the powers of the Minister the power to combine two school divisions and a new subsection (5a) is added to make it clear that the Minister when making orders under

subsection (5) has power to deal with the property of a school division or district and transfer the title to the land on the register under *The Land Titles Act*.

The changes made to sections 256, 257 and 261 by sections 20, 21 and 22 of this Act are to provide for cases where two trustees may be elected for a subdivision which may be the case where a town district goes into a division. This is provided for in section 285c where a town district has a certain school enrolment.

Section 23 of this Act adds two new paragraphs to subsection (1) which impose new duties on a divisional board, namely; to appoint board representatives to attend meetings of the councils of municipalities to which the board submits requisitions for estimated expenditure and also provide for the attendance at board meetings of representatives of the same municipalities. These representatives may take part in discussions of the board on matters affecting municipal administration but shall have no vote.

Section 24 of this Act adds to the discretionary powers of a divisional board the power set out in paragraph (s) where a teacher is transferred from one school to another by the board, namely, to pay the expenses of removing himself, family and household effects.

Section 25 of this Act amends section 277 dealing with prohibited transactions by members of a divisional board. Under the amendment it is only casual or part time employment as secretary, etc., that a member of a board may accept. Subsection (6) is new and was formerly in the section dealing also with members of boards of school districts. This subsection permits a member of a divisional board who is a merchant to sell goods to a board up to the amount of three hundred dollars per year.

Section 26 of this Act authorizes the Minister when adding a town district to a division to provide for two members of the divisional board for such district where the enrolment of pupils in the town district has a specified enrolment.

Section 27 of this Act cures an omission in section 287 of the Act.

Section 28 of the Bill introduces a new section 287*a* which provides for the arrears of school taxes of certain districts included in a division being transferred to the assessment and tax roll of the municipality upon which the division will be requisitioning with respect to the portion of the district in which the properties to which the arrears relate, lie.

Section 29 of this Act enacts a new section 289*a*. Section 289 deals with the certificate which the secretary of a municipality is required to give to a divisional board before February 5th of each year showing the total assessed value of all property in the municipality as at December 31st of the preceding year. These certificates from each municipality in the division are the basis of arriving at the requisitions to be made by the divisional board on the different municipalities. The new section 289*a* deals with the village of Picture Butte in which is situated a factory of Canadian Sugar Factories Ltd., which for the ten years from 1936 to 1945, inclusive, was exempt by statute from all kinds of assessment on its building, machinery and equipment except as to one-tenth of its valuation. That exemption has now expired and for the purpose of the certificate as to the assessment for the purpose of the school requisition for 1946, the assessment of the sugar factory is declared to have been ten times the actual assessment under the exemption provisions. This amendment does not in any way affect the 1945 assessment under the exempting Act, but only the amount of the divisional requisition for 1946. Without the amendment the divisional board could only requisition the village on the basis of one-tenth assessment of the sugar factory.

Section 30 of this Act cures an omission.

Section 302 of the Act amended by section 31 of this Act deals with debenture by-laws and the amendment increases from twenty thousand dollars to forty thousand dollars the amount which a school division may borrow on debentures in a year without submitting

the by-law to the electors, but further provides that the borrowing shall not exceed one per cent of the assessment. This will prevent small divisions from borrowing more than one per cent of the assessment. The proviso added to paragraph (c) of the section authorizing the returning officer to appoint a deputy returning officer other than the secretary-treasurer, and authorizing the vote in a district where no school is in operation to be taken in another district, is necessary in some divisions where a local school board is inactive and has no secretary-treasurer or where no school is in operation in a district.

Section 32 of this Act adds to the duties of the secretary of a divisional board those set out in the section which are related to the interchange of representatives between boards and councils of municipalities.

This Act came into force on March 27, 1946.

SCHOOL TAXATION ACT AMENDMENT ACT

(Chapter 47)

The proviso to subsection (3) of section 28 struck out by paragraph (a) of section 1 of this Act authorizes the Minister to reduce the assessed value of farm lands situated within any district containing a city, town or village for the purpose of apportioning the requisitions. The proviso which is substituted by paragraph (a) of section 1 of this Act gives the Minister power to either reduce or increase the total assessment of farm lands in such cases except in the case of any district in which the assessed value of the farm lands in any municipal district, improvement district or special area in the school district constitutes less than ten per cent of the total assessed value of the property in such municipality in the school district, but in any such case the rate of taxation imposed on farm lands shall not exceed ten mills unless a higher rate is authorized by the Minister.

The new subsection (6) of section 28 enacted by this Act and substituted for the former subsection (6) merely eliminates the reference to village districts

as a village did not levy school taxes, that being a function of the school district.

This Act came into force on March 27, 1946.

UNIVERSITY ACT AMENDMENT ACT

(Chapter 48)

Section 1 of this Act introduces a new subsection to section 29 which protects the Board of Governors and Senate from liability for acts of the student body. This provision was included in the former University Act by an amendment passed in 1935. When the new University Act was passed in 1942 it was inadvertently omitted.

The amendment to section 31 made by section 2 of this Act substituting "The Chief Superintendent of Schools" for "The Supervisor of Schools" is occasioned by a reorganization in the Department of Education.

Section 80 of the Act which is amended by section 3 of this Act gives the University the right to demand that an undertaker or public officer or hospital or penal institution, etc., having charge of the body of a deceased person which is unclaimed and would require to be buried at public expense, hand it over to the University. The new subsections added by this Act simplify the enforcement of the above privileges. These subsections were first enacted in 1929 as amendments to the old University Act and when the new University Act was passed they were inadvertently omitted.

This Act came into force on March 27, 1946.

PUBLIC HEALTH ACT AMENDMENT ACT

(Chapter 49)

Section 1 of this Act adds two new paragraphs to subsection (1) of section 7 of the Act and authorizes the Provincial Board of Health, with the approval of the Lieutenant Governor in Council, to make regulations relating to the matters contained in the new para-

graphs, dealing with the fees and working conditions, etc., of student nurses.

Section 2 of this Act introduces a new section 15b which is intended to remedy a situation which exists or may exist in certain coal mining towns, where there is a practice of dumping coal dust, etc., in the neighbourhood of dwellings.

The purpose of the new section is to give the Provincial Board of Health authority to require the company to remove the material dump to a point where the residents of the dwellings will not be injuriously affected.

This Act came into force on March 27, 1946.

MUNICIPAL HOSPITALS ACT AMENDMENT ACT

(Chapter 50)

Section 1 of this Act amends section 11 of the above Act which section deals with the scheme to be submitted to the voters by the Provisional Board of a municipal hospital district. The amendment adds a new clause (iii) to paragraph (a) of subsection (1) of the section. That paragraph sets out various provisions, one of which must be included in a scheme. The amendment adds another alternative which authorizes the scheme to include two or more of the plans set out in clauses (i) and (ii) and a statement to the effect that if the scheme is ratified by the voters the Board will determine from time to time the plan to be adopted, subject to the terms of any agreement which the Board may have made with the governing body of a hospital situate in the area of the hospital district.

Section 17 of the Act which is amended by section 2 of this Act deals with the poll for a hospital site, where the Board directs a vote to be taken. The amendment is intended to clarify the section by providing that the vote on the site shall be advertised at the same time as and as part of the hospital scheme.

Section 3 of this Act strikes out unnecessary words in section 18.

Section 4 of this Act amends section 26 of the Act in several respects. Subsection (5) now provides that if "a majority which is less than two-thirds of those voting vote in favour of the scheme" the Board may borrow a sufficient sum to defray the expenses. The amendment strikes out the words "a majority which is" in order to make it clear that the Board will have this power where those voting in favour of the scheme do not constitute a majority but also provides that the borrowing shall be subject to the approval of the Minister. Subsection (6) of section 26 is struck out and substituted by a new subsection (6). The effect of the change is to make it clear that a scheme or amended scheme which has not received the approval of two-thirds of the voters may, with the approval of the Minister, be re-submitted in its original or amended form although less than a majority of the voters had voted in support of the original scheme. The new subsection (8) added to section 26 enables the Minister, even after a favourable vote on the scheme, to dis-establish the district when the Board so requests before the district has commenced operating a hospital or providing hospital services for the rate-payers.

Section 5 of this Act amends section 27 of the Act by the addition of the words "and may vary the number of members of the Board accordingly." That section authorizes the Minister, prior to the submission of an amended scheme to detach territory from the District. The amendment enables him to vary the number of Board members accordingly.

Section 6 of this Act adds a new section 27a to the Act. A Board has difficulty sometimes in procuring a site for the hospital, either because an agreement as to price cannot be reached or the owner of the land desired as a site declines to sell. The provisions contained in the new section appear in somewhat similar form in various Acts, such as *The Public Works Act*, *The Town and Village Act*, and *The Municipal District Act*. Provision is made for filing a plan of the land required, in the Land Titles Office which will vest

title in the Board subject to payment of compensation. The Board is then required to serve notice on the owner of the compensation offered, and the owner, if dissatisfied with the offer, shall so state within thirty days and shall state the amount claimed, etc. The Board shall then consider the claim and notify the owner of its decision and if this is not acceptable, the claimant may have the matter brought to arbitration and the provisions of *The Arbitration Act* shall apply to the proceedings.

Section 28 of the Act, which is amended by section 7 of this Act, deals with the proceedings after disallowance or rejection of a hospital scheme and in particular provides for the distribution among the contributing councils of the expenses of the Board in taking the vote on the scheme, etc. The amendment to subsection (1) by inserting the words "or after" after the word "before," cures an omission in the Act and enables the Board to take the necessary proceedings upon disestablishment of the district before or after a vote is taken. Subsection (3) of section 28 which is also amended provides for the continued existence of a Board, after disestablishment of a district to enable it to clear up the distribution of expenses. The amendment extends this provision to cases coming under the new subsection (8) of section 26, that is, where the district is disestablished after the voters have approved the scheme.

Section 58 of the Act deals with the dissolution of an operating district upon application by the Board and the contributing councils. The amendment made by section 8 of this Act limits the right to make this application to districts which have been operating and providing hospital services for not less than six months.

Section 74 of the Act amended by section 9 of this Act deals with cases where a minimum hospital tax is provided by a hospital scheme and provides that where a ratepayer is assessed in respect of more than one parcel of land in the hospital district, he can credit all the taxes on the minimum tax which shall be paid in the area of which

he is a resident. The purpose of the amendment is to extend this privilege to ratepayers who do not reside in the hospital district who may select the area in which the minimum tax is to be paid and produce tax notices from other areas.

The Order in Council validated by section 10 of this Act provided, subject to validation, for the amendments made by section 4 of this Act relating to cases where a majority of the voters have not voted in favour of a scheme.

This Act came into force on March 27, 1946.

ALBERTA INSURANCE ACT AMENDMENT ACT

(Chapter 51)

Section 274 of the Act which is amended by section 1 of this Act is in Part VII of the Act dealing with automobile insurance and provides that the insurer shall not be liable under an owner's policy or a driver's policy under certain circumstances set out in paragraphs (a), (b) and (c) and in certain other circumstances set out in paragraphs (d), (e) and (f) unless the coverage is extended under section 276 which authorizes the insurer by an endorsement on the policy and payment of an additional premium to extend the coverage to these. The effect of the amendment made by paragraph (a) of section 1 of this Act is to bring paragraph (c) mentioned above in the same classification as paragraphs (d), (e) and (f) which enable the insurer to cover the risk, upon payment of an extra premium. Paragraph (c) at present makes an insurer not liable to any person not the owner of the automobile engaged in the business of a garage, etc., for loss sustained while engaged in the operation or repair of the automobile. The amendment makes the insurer liable if the risk is endorsed on the policy and an extra premium paid. The above amendment makes necessary the amendment to section 276 contained in section 2 of this Act which strikes out "paragraphs (d), (e) and (f)" in paragraph (a) of the section and substitutes "paragraphs (c), (d), (e) and (f)".

Section 3 of this Act amends section 421 so as to include air lines with railway companies and bus lines licensed to carry passengers and express freight in having authority to act as agents of insurance companies in insuring passengers and express freight carried by the company.

Section 4 amends Schedule D containing the automobile policy statutory conditions. The first change is in Statutory Condition 2 which provides among other things that the insured shall not use or drive the automobile whilst he is not for the time being qualified and authorized by law to drive or operate the automobile, etc. The effect of this is that an insurer might avoid liability if the insured had neglected to renew his driver's license through an oversight. The change made in this condition overcomes this if the insured has in the past had a driver's license and is now qualified, provided his license is not cancelled or suspended at the time.

A similar change is made in subsection (2) of Condition 2 which deals with the insured permitting, etc., the use of the automobile by disqualified persons. Paragraph (a) of Condition 3 is struck out and a new paragraph substituted. This paragraph formerly provided that unless permission is given by an endorsement on the policy and an additional premium paid, the automobile shall not be used (a) with trailer attached. The new paragraph (a) permits a trailer to be attached to a private passenger car if it is not a cabin trailer or trailer home nor used for business purposes, passenger carrying or commercial purposes, without the above endorsement and extra premium.

This Act is drawn to come into force on proclamation, the intention being that it will be proclaimed in force in the different Provinces at the same time.

LAND TITLES ACT AMENDMENT ACT

(Chapter 52)

Section 1 of this Act introduces a new section 115a. Section 115 of the Act renders null and void what is commonly called the attornment clause in mortgages and agreements for sale, and

which gives a mortgagee or vendor the rights of a landlord, such as the right of distress. The new section 115a makes an exception in the case of a mortgage or agreement for sale of business premises and renders the attornment clause valid in such cases unless the mortgagor or purchaser occupies part of the premises as a residence. "Business premises" means any land and premises other than farm land, from which revenue is derived.

Section 2 of this Act adds a new subsection (2) to section 139. That section provides for the removal of a caveat on application to the Court on originating notice. This is a somewhat expensive procedure and the new subsection provides that a caveat may be removed on a judge's certificate where it is based on a mortgage or incumbrance. There is already a similar provision in section 107 for cancellation of the registration of a mortgage or incumbrance on a judge's certificate, and the amendment extends this authority to a caveat based on an unregistered mortgage or incumbrance.

This Act came into force on March 27, 1946.

DOWER ACT AMENDMENT ACT

(Chapter 53)

Section 8 of *The Dower Act* now provides that where a husband and wife are living apart or where the wife has not since her marriage lived in the Province, or where her whereabouts are unknown or where she is a mentally incompetent person or person of unsound mind, a judge of the Supreme Court may by order dispense with the consent of the wife to a disposition of the homestead, that is, the home quarter section or the residence in a city, town or village if in the opinion of the judge it seems fair and reasonable to do so upon such terms and conditions as to payment into Court or otherwise as the judge thinks proper. In a recent case in the Appellate Division of the Supreme Court, the Court in effect held that in all such cases the judge making the order must impose conditions of the nature above stated. It is considered

that a judge should have authority in a proper case to make an unconditional order dispensing with the consent of the wife and the purpose of the amendment is to give judges such a discretion.

This Act came into force on March 27, 1946.

LAND SALES PROHIBITION ACT AMENDMENT ACT

(Chapter 54)

It is now provided by section 9a of this Act that it shall remain in force until the cessation of hostilities with Germany and Japan and for one year thereafter. As no proclamation has yet been issued as to the termination of hostilities in so far as that affects this Act, it was considered advisable to fix a definite date when the Act will cease to be in force, and the purpose of this Act is to fix such date, namely, May 1st, 1947.

This Act came into force on March 27, 1946.

TRUSTEE ACT AMENDMENT ACT

(Chapter 55)

Section 47 of *The Trustee Act* provides for the distribution by the executor or administrator of the assets of an estate after secured claims are paid *pro rata* among the creditors where there are not sufficient assets to pay the claims in full. Sometimes an executor, through a misapprehension as to the value of the assets, pays some creditors in full where the assets do not warrant it and it has been held by the Courts of some of the Provinces that in such a case the executor or administrator must pay all creditors in full. The purpose of the new subsection added to section 47 is to protect an executor or administrator in such cases. A similar amendment was made to *The Trustee Act* of Ontario in 1944.

Section 2 of this Act amends section 60 of the Act. Section 60 deals with the interest in the Common Fund held and invested by the Official Guardian, the Administrator of the Estates of the

Mentally Incompetent, and Public Administrators. Subsection (2) of the section now provides that interest shall be credited to the different estates at the prescribed rate half-yearly and the words proposed to be added by the amendment provide that the interest shall be calculated on the monthly minimum balance. By subsection (10) of section 60 as it formerly stood, a limit of one thousand dollars a year was placed on the amount which may be paid out of the Special Reserve Fund into General Revenue to be applied on the cost of administration of the two funds. The amendment authorizes the Official Guardian, the Administrator of Estates of the Mentally Incompetent and the Deputy Provincial Treasurer to fix the amount which, however, must not exceed the annual interest earned by the Special Reserve Fund.

This Act came into force on March 27, 1946.

MECHANICS' LIEN ACT AMENDMENT ACT

(Chapter 56)

Section 11b of the Act which is amended by section 1 of this Act deals with the sale of mortgaged premises which are subject to a mechanics' lien. Subsection (4) which is struck out by the amendment provided that neither the lienholder nor the mortgagee shall have the right to bid at the sale by auction of the lands in question. The amendment authorizes both the mortgagee and lienholder to bid at the sale provided the bid is equal in amount to the value of the premises as fixed by the Court prior to the sale. It is also provided that if the bids are equal, the one having the larger claim shall have the preference.

This Act came into force on March 27, 1946.

COMPANIES ACT AMENDMENT ACT

(Chapter 57)

The purpose of this Act is to restore the definition of "extraordinary resolution" to what it was from the passing of *The Companies Act, 1929*, until the Revision of the Statutes which came into

force on February 15th, 1943. In the Revision a slight change was made in the language of the definition which unintentionally changed the meaning; the amendment is made retroactive to the date of the coming into force of the Revised Statutes, 1942.

This Act came into force on March 27, 1946, and is retroactive to February 15, 1943.

CO-OPERATIVE MARKETING ASSOCIATIONS GUARANTEE ACT AMENDMENT ACT

(Chapter 58)

Section 1 (a) of this Act is made necessary by the enactment of *The Co-operative Associations Act*, 1946, which combines into one Act, three Acts, namely: *The Co-operative Associations Act*, *The Co-operative Marketing Associations Act* and *The Co-operative Activities Supervision Act*.

The new subsection (1a) added to section 2 of the Act extends the authority of the Lieutenant Governor in Council to the guarantee of borrowings by a co-operative association having as its principal object the supplying of electrical energy and power to its members when the borrowings are for the purpose set out in the subsection. The provisoes to the subsection are, except (a), identical with the provisoes now in the Act with respect to the guarantee of the borrowings by marketing associations. Proviso (a) is that the Association has first paid at least fifteen per cent of the amount of any capital expenditure proposed to be made by the Association.

This Act came into force on March 27, 1946.

CREDIT UNION ACT AMENDMENT ACT

(Chapter 59)

This Act amends section 19 of the above Act by adding a new subsection (2). The purpose of the amendment is to enable credit unions to co-operate with the co-operative associations by lending to them and borrowing from them.

Section 35 prohibits such transactions except with members of the credit union and the purpose of the amendment is to make an exception in the case of co-operative associations.

This Act came into force on March 27, 1946.

HOME FOR AGED OR INFIRM ACT AMENDMENT ACT

(Chapter 60)

This Act amends the definition of "Home for the aged or infirm" and "Home" by the addition of the words set out in section 1. The first portion of the addition is intended to make it clear that the definition applies to a hospital for incurables and the latter portion applies the definition to a portion of an approved hospital set aside for the care of aged or infirm persons.

This Act came into force on March 27, 1946.

OLD AGE PENSIONS ACT, ALBERTA AMENDMENT ACT

(Chapter 61)

The purpose of this Act is to validate an agreement entered into by the Government of the Province and the Government of the Dominion on April 1st, 1944, which provided an increase in the income of a pensioner which he was entitled to have without affecting the amount of the pension.

This Act came into force on March 27, 1946, and section 1 is retroactive to April 1, 1944.

OLD AGE PENSIONS (SUPPLEMENTARY ALLOWANCES) ACT AMENDMENT ACT

(Chapter 62)

This Act amends section 4a of the above Act. This section provides for the payment of the supplementary allowance to a pensioner who has removed to another Province, which Province also pays a supplementary allowance. The section however, only authorized the pension authority of Alberta to pay to such Alberta pensioners a monthly

additional allowance equal to that paid by such other Province but not exceeding the sum of five dollars per month. The Province of Saskatchewan only pays an additional allowance of three dollars per month, and the effect of the section was to prevent the pension authority of Alberta paying more than three dollars per month to Alberta residents in Saskatchewan. The purpose of the amendment is to strike out this limitation and enable Alberta to pay up to five dollars per month to pensioners who have removed to Saskatchewan. This Act also validates an Order in Council dated July 6th, 1945, which was passed subject to validation authorizing this increase.

This Act came into force on March 27, 1946.

SETTING OF POISON ACT AMENDMENT ACT

(Chapter 63)

Section 1 of this Act amends subsection (1) of section 3 of the Act, which subsection authorizes any person to set out poison on his own premises in the manner prescribed in the subsection. The amendment prohibits the setting out of poison for the purpose of killing big game, fur-bearing animals or game birds, which makes this Act consistent with *The Game Act* in this respect.

Section 4a enacted by section 2 of this Act authorizes the Fish and Game Commissioner to distribute "Coyote Getters" with shells containing poison in certain areas but only to game officers and persons recommended by them or by the Royal Canadian Mounted Police. Under the new Game Act, 1946, game officers are officials appointed by the Lieutenant Governor in Council.

This Act came into force on March 27, 1946.

URBAN MINING OPERATIONS ACT AMENDMENT ACT

(Chapter 64)

Most of the provisions of the Act amended by this Act now apply to all kinds of mining, and section 5 provides that no minerals of any kind, sort or de-

scription underlying any highway, street, lane or public place within a city, town or village shall be mined until the use of the surface as a highway, etc., is permanently discontinued. This would prevent drilling for oil in some cases and as the real danger which is provided against by the Act comes from the mining of coal, it is considered desirable to limit the application of the Act to coal mining and that is the purpose of the amendments contained in this Act.

This Act came into force on March 27, 1946.

MOTHERS' ALLOWANCE ACT AMENDMENT ACT

(Chapter 65)

This Act amends section 6 of the Act by adding two new subsections. As the Act formerly stood assistance is given under the Act to a widow or the wife of a person committed to a hospital under the provisions of *The Mental Diseases Act* and actually an inmate thereof who has in her custody a child or children under the age of sixteen years. The purpose of the amendment is to authorize the payment of an allowance to a widow or the wife of a person committed to a hospital under the provisions of *The Mental Diseases Act* and actually an inmate thereof with respect to a child over the age of sixteen years and under the age of eighteen years so long as the child is attending school regularly and making satisfactory progress. The new subsection (3) provides for a fresh application to be made for the allowance with respect to such children, and the provisions of sections 4, 5 and 6 are made to apply to such application.

Section 2 of this Act strikes out section 7a which is no longer necessary in view of the amendments.

Section 3 of this Act validates an Order in Council passed on October 2nd, 1945, which provided for the continuance of the payment of allowance with respect to a child who became sixteen years of age subsequent to the 31st day of August and is attending school and making satisfactory progress. This Order in Council is validated and de-

clared to be in force until the coming into force of this Act.

This Act came into force on March 27, 1946.

SOLEMNIZATION OF MARRIAGE ACT AMENDMENT ACT

(Chapter 66)

This Act adds a proviso to subsection (3) of section 14 of the Act. That subsection requires the production of a doctor's certificate to the effect that he has taken a specimen of blood for a syphilis test from the applicant for the license, etc. The amendment authorizes the acceptance of the certificate of a Provincial District Nurse in lieu of the doctor's certificate in cases where the applicant lives in a remote district far from a physician.

This Act came into force on March 27, 1946.

LICENSING OF TRADES AND BUSINESSES ACT AMENDMENT ACT

(Chapter 67)

Section 1 of this Act introduces two new sections, 4a and 4b into the above Act. Section 4a deals with collection agencies, as defined, and authorizes the Minister to make regulations governing their operation and license, when they have been designated by the Minister as businesses to which the Act applies. The most important regulation which the Minister may make is one requiring the applicant for a license to give a bond to the Minister in such amount and on such terms as the regulation may prescribe.

Section 4b deals with tourist camps and also authorizes the Minister to make regulations governing them, when they are designated as businesses to which the Act applies.

Section 9 of the Act which is amended by section 2 of this Act authorizes the Minister to cancel or suspend any license issued under the Act, if he is satisfied that the licensee has on more than one occasion contravened any of a number of specified Acts or regulations made under them. The amendment adds

to these Acts *The Public Health Act* and *The Town Planning Act*.

This Act came into force on March 27, 1946.

POWER COMMISSION ACT AMENDMENT ACT

(Chapter 68)

Section 3 of the Act authorizes the creation of the "Alberta Power Commission" with a membership of not more than three. By the amendment the maximum number of members is increased from three to five.

Section 2 of this Act which amends section 8 of the Act empowers the Lieutenant Governor in Council to authorize the Power Commission to acquire the shares of and securities issued by a power company.

Section 3 of this Act corrects an error in section 18 in a reference to a section of the Act.

Section 4 of this Act strikes out section 20 of the Act and substitutes a new section 20. Section 20 dealt with the borrowing power of the Commission and limited its borrowing power to one hundred thousand dollars. The new subsection (1) of section 20 removes this limit but the borrowing is, as before, subject to the approval of the Lieutenant Governor in Council. Subsection (2) authorizes the moneys borrowed to be raised by the issue and sale of bonds or debentures, the terms to be determined by the Lieutenant Governor in Council. Subsection (3) provides for the guarantee by the Province of the repayment of borrowings of the Commission. Subsection (4) authorizes the Provincial Treasurer, subject to the approval of the Lieutenant Governor in Council, to make advances to the Commission from General Revenue.

This Act came into force on March 27, 1946.

**PROVINCIAL INDUSTRIES DEVELOPMENT
ACT AMENDMENT ACT**

(Chapter 69)

As this Act now stands, it is limited to assisting in the establishment, etc., of industries engaged in the processing or manufacture of any natural product of the Province. The purpose of the amendment is to extend the Act to the assisting of any manufacturing industry, and sections 1 and 2 of this Act remove the restriction. Paragraph (b) of section 2 of this Act strikes out paragraphs (a), (b) and (c) of section 4 of the Act, which section authorized the Government to guarantee obligations of such companies. These paragraphs limited the guarantee to companies having less than one hundred thousand dollars of authorized capital and required the company guaranteed to have available in cash or liquid assets at least sixty per cent of the issued capital and further limited the guarantee to an amount not exceeding forty per cent of the issued capital. By paragraph (g) which will become (d), the aggregate of guarantees which may be given by the Government is increased from two hundred and fifty thousand dollars to one million dollars.

Section 3 of this Act introduces two new paragraphs in section 10 of the Act which enables the Minister with the approval of the Lieutenant Governor in Council in certain circumstances to enter into possession of the premises of a company whose obligations have been guaranteed under the Act on terms and conditions which may be prescribed by regulations.

This Act came into force on March 27, 1946.

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Section 3 of this Act introduces two new paragraphs in section 10 of the Act which enables the Minister with the approval of the Lieutenant Governor in Council in certain circumstances to enter into possession of the premises of a company whose obligations have been guaranteed under the Act on terms and conditions which may be prescribed by regulations.

This Act came into force on March 27, 1946.